

REMARKS/ARGUMENTS

The Office Action of July 15, 2005, has been carefully reviewed and these remarks are responsive thereto. Claims 19, 20, 24-29, 34 and 36 have been amended. Claims 38-40 have been added. No new matter has been added. Claims 19-40 remain pending in the application. Reconsideration and allowance of the instant application are respectfully requested in view of the following arguments.

Claim Rejection Under 35 U.S.C. §101

Claim 34 stands rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicant has amended claim 34 to recite a program tangibly embodied on a computer readable medium. As such, claim 34 is allowable for at least this reason.

Claim Rejections Under 35 U.S.C. §102(e)

Claims 36 and 37 stand rejected under 35 U.S.C. §102(e) as being anticipated by Parulski (U.S. Patent No. 6,539,177). This rejection is respectfully traversed for the following reasons.

Amended independent claim 36 recites, *inter alia*, “providing a user interface of the camera with a composite image quality indicator representing a plurality of image quality parameters, wherein the composite image quality indicator is generated based on data associated with the plurality of image quality parameters.” Parulski fails to teach or suggest such a feature. In support of the rejection, the Office Action cites figures 33-37 of Parulski, alleging that the figures illustrate an image quality indicator. p. 3, ¶ 6. Even assuming, without admitting, the validity of such an allegation, Parulski does not teach or suggest that a single composite image quality indicator is generated based on data associated with *a plurality* of image parameters nor that the single composite image quality indicator represents the plurality of image parameters. At most, figures 33-37 of Parulski illustrate a series of image quality indicators (1 per figure) that each represents a single image parameter (e.g., brightness or darkness of the picture). For example, the image quality indicator of FIG. 36 only identifies that the image requires fill flash because it is a backlit scene. In contrast, Applicant’s specification discloses, as one example, a single composite image quality indicator having three levels that correspond to three image

parameters (e.g., exposure control, white balance and dark calibration). ¶¶ 37-41. The levels of the quality image indicator are shaded according to the stability of each of the corresponding image parameters. *Id.* Applicant's image quality indicator is thus a composite indicator for representing data associated with a plurality of image parameters, rather than an image indicator dedicated to a single image parameter as is disclosed by Parulski. Additionally, Parulski discloses in col. 28, ll. 25-30 that an output quality warning, such as a text or image, is generated when one or more of the image characteristics are outside one of the standard ranges. Even so, the output quality warning is only indicative of a single parameter (e.g., text indicating "too dark"). See FIG. 38 (illustrating various warning depictions; each depiction relates to a single image parameter – darkness). There is no teaching or suggestion that the output quality warning is a composite warning generated based on data associated with a plurality of image parameters, as is recited in claim 36. As such, claim 36 is allowable for at least this reason.

Claim 37 is dependent on claim 36 and is thus allowable for at least the same reasons as claim 36 and further in view of the novel and non-obvious features recited therein.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 19-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Parulski in view of Sugimoto (U.S. Patent No. 6,829,009). This rejection is respectfully traversed for the following reasons.

Amended independent claims 19, 26 and 36 all relate to, *inter alia*, a composite image quality indicator representing a *plurality* of image parameters based on an image. In addition, the composite image quality indicator is generated based on data associated with the plurality of image parameters. Nowhere does either Parulski or Sugimoto, separately or in combination, teach or suggest such a feature. As discussed previously with respect to the §102(e) rejection of claim 36, Parulski merely discloses an image quality indicator dedicated to representing a single image parameter (e.g., brightness). Sugimoto fails to cure this deficiency. At best, Sugimoto discloses multiple menu items (element 82), each corresponding to a single image setting such as white balance, ISO sensitivity and brightness. Col. 6, ll. 6-19; *see also* FIG. 5. Nowhere does Sugimoto teach or suggest that information about the image parameters is represented through a single composite image quality indicator. Even assuming, *arguendo*, that each menu item could

be considered an image quality indicator, each menu item (i.e., image quality indicator) only represents a single image setting, rather than a single composite menu item representing a plurality of image settings. *Id.* Furthermore, contrary to the Office Action's assertions, neither element 28 nor element 84 is an image parameter or an image indicator. Element 84 represents a sub-menu balloon whereas element 28 is an LCD monitor. *Id.* Claims 19, 26 and 36 are thus allowable for at least this reason.

Claims 20-25, 27-35 and 37 are dependent on their respective base claims (i.e., claims 19, 26 and 36) and are thus allowable for at least the same reasons as their respective base claims and further in view of the novel and non-obvious features recited therein.

New Claims

New claims 38 and 39 are dependent on claim 36 and thus incorporate all of the features recited in claim 36. As such, claims 38 and 39 are allowable for at least the same reasons as claim 36 and further in view of the novel and non-obvious features recited therein.

New claim 40 is dependent on claim 34 and thus incorporates all of the features recited in claim 34. As such, claim 40 is allowable for at least the same reasons as claim 34 and further in view of the novel and non-obvious features recited therein.

Appln. No.: 10/020,870
RCE dated December 15, 2005
Reply to Office Action of July 15, 2005

CONCLUSION


All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

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Dated this 15 day of Dec, 2005

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